

of \$860. Any further fees required by this submission are authorized to be charged to the deposit account No. 10-1213 of the undersigned.

In the Final Office Action of October 8, 2002, claims 9-11 and 27-30 were rejected under 35 U.S.C. 112, first paragraph. The Examiner indicated that the Declaration under 37 CFR 1.132, filed September 20, 2002 was insufficient to overcome the rejection of claims 9-15 based on insufficiency of the disclosure under 35 U.S.C. 112, first paragraph. The present second Preliminary Amendment returns the specification paragraphs amended in the Amendment filed March 12, 2002 to their original form.

Claims 9-11 and 27-30, all the claims pending in the application, have been cancelled. New claims 31-47 have been added. It is believed that no additional filing fee, other than the RCE fee of \$750, is required since the total number of claims now pending is 17 and the number of independent claims is 3, which is less than the number paid for at the time of the filing of the application.

New claims 31-39 are directed to a smoking article. New claims 40-43 are directed to a method of producing a smoking article. New claims 44-47 are directed to a kit for use in hand-rolling a smoking article. As discussed with Examiner Lopez by telephone on February 10, 2003, new claims 40-47 are similar to original claims 16-23 that were withdrawn from consideration, and cancelled, in response to a Restriction Requirement of October 9, 2001. New claims 40-47 are being added at this time to insure the applicant's right to file one or more divisional applications directed to the

subject matter claimed in claims 40-47. Assuming that the Examiner maintains his belief that the claims now pending are directed to three distinct inventions, applicant provisionally elects to prosecute claims 31-39 in the subject application while expressly reserving the right to file one or more divisional applications.

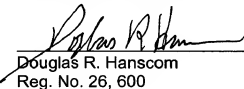
An early and favorable Office Action on the merits is respectfully requested.

Respectfully submitted,

John Roger SAMPONS

JONES, TULLAR & COOPER, P.C.

Attorneys for Applicant


Douglas R. Hanscom
Reg. No. 26, 600

February 10, 2003
JONES, TULLAR & COOPER, P.C.
P.O. Box 2266 Eads Station
Arlington, Virginia 22202
(703) 415-1500
Attorney Docket: SAMP-US1



FEB 13 2003

TC 1700

MARKED-UP COPY OF REPLACEMENT PARAGRAPHS**SAMPSON - 09/582,232**

As far as we are aware at present the only disclosure of the use of carbon in a tobacco rod in a situation where reduction of sidestream smoke was aimed for is in US-A-5092353 (EP-A-378774). However the aim in that disclosure was to reduce sidestream smoke by the use of wrapping paper of very low [inherent] permeability (< 10 CORESTA units). To compensate for the tendency this will cause for the cigarette to be self-extinguishing, pyrolyzed alpha-cellulose was present in the tobacco rod.

The present invention, therefore, is contrasted with all of this prior art by providing in a tobacco rod an activated carbon for having an effect on the chemistry of smoke while not being limited to the use of low [inherent] permeability papers, and specifically not to papers of < 10 CORESTA.

Furthermore, the present invention provides the addition of activated carbon in specific particulate form in reconstituted tobacco sheet to the tobacco rod of the smoking article in such a way that greater mildness of the smoking article is perceived by the smoker in the mainstream smoke, and at the same time there is a reduction in sidestream smoke over a wide range of [inherent] porosities of the wrapper of the article and in particular with [inherent] porosities high enough that special precautions do not have to be taken to prevent self-extinction of the article.

The cigarettes were 84 mm long, 7.9 mm diameter, unfiltered. The wrapping was an 80 CORESTA [inherent permeability] flax-based paper, with 2% potassium citrate burn enhancer.

Cigarettes and controls were prepared using the same tobacco blend and reconstituted tobacco sheet as in Example 1, but using respectively papers of [inherent permeability of] 25, 50, 80 and 180 CORESTA units porosity. Sidestream smoke from the inventive cigarettes and from the controls had significant reductions both in semi-volatile and in nicotine content, as seen in Table 3. Increased carbon monoxide and carbon dioxide production is assumed to be due to the presence of the particulate carbon in the tobacco sheet.